

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

In re:)	Case No. 14-20101-705
)	
JAMES MILTON WILSON and)	
STEPHANIE MARIE WILSON,)	Chapter 13
)	
Debtors.)	MOTION NO. _____
)	
VANDERBILT MORTGAGE AND)	
FINANCE, INC.,)	
)	
Movant,)	CHAMBERS MATTER
)	§362(c)(4)(A)(ii)
v.)	LR 4001-4
)	
JAMES MILTON WILSON and)	
STEPHANIE MARIE WILSON,)	
Debtors,)	
and)	
JOHN V. LABARGE, JR.,)	
Trustee,)	
)	
Respondents.)	

MOTION FOR ORDER CONFIRMING THAT
AUTOMATIC STAY IS NOT IN EFFECT

Vanderbilt Mortgage and Finance, Inc. subservicer to Associates Housing Finance, LLC f/k/a Associates Housing Finance Services, Inc. f/k/a Ford Consumer Finance Company, Inc. as servicer to the Bank of New York Mellon Trust Company f/k/a The Bank of New York Trust Company, National Association ("Vanderbilt") states as follows:

1. Vanderbilt is the owner and holder of a certain Manufactured Home Retail Installment Contract and Security Agreement ("Agreement") that was executed by

Debtors October 14, 1996. A copy of the Agreement is attached as Exhibit 1 and incorporated herein.

2. The Agreement granted Vanderbilt a security interest in the following:
a 1997 Clayton Mobile/Manufactured Home, 16 x 76, VIN #CLS089652TN, including all fixtures therein (the "Property")

3. The security interest in the Property was duly perfected by the filing of a Certificate of Title. A copy of the evidence of perfection is attached as Exhibit 2 and incorporated herein.

4. On or about April 29, 2005 Associates Housing Finance, Inc. f/k/a Ford Housing Finance Services executed a Power of Attorney which assigned its rights and authorized Movant to sue, to enforce, or to collect on its contracts. A copy of the Power of Attorney is attached as Exhibit 3 and is incorporated herein.

5. Full copies of the Exhibits mentioned in this pleading are available from the undersigned upon request.

6. This case was filed on April 15, 2014, by individual Debtors under Chapter 13.

7. Two previous Chapter 13 cases by the same individual Debtors were pending within the year before April 15, 2014.

8. The first such case was filed on August 25, 2012 in the Western District of Missouri under case no. 12-21321-drd13. It was dismissed on the Trustee's Motion on

May 28, 2013. A copy of the Court's Docket Sheet is marked as Exhibit 4 and is incorporated herein.

9. The second such case was filed on November 21, 2013 in the Eastern District of Missouri under case no. 13-20340-705. It was dismissed by this Court on January 24, 2014. A copy of the Court's Docket Sheet is marked as Exhibit 5 and is incorporated herein.

10. The PACER system of the United States Courts indicates that no case previous to the Western District case identified above was filed by the Debtors. A copy of the search results from PACER is attached as Exhibit 6 and is incorporated herein.

11. The pending case is Debtors' third Chapter 13 case pending within one year, and neither the previous cases nor the case now pending before this Court included a case that was re-filed under a chapter other than Chapter 7 after dismissal under section 707(b).

12. As a result of the foregoing case history, the automatic stay has not gone into effect, and Movant is authorized to pursue its non-bankruptcy remedies pursuant to §362(c)(4)(A).

11. Pursuant to §362(c)(4)(A)(ii) and Local Rule 4001-4, Movant is entitled to prompt entry of an Order confirming that no stay is in effect.

WHEREFORE, Movant prays for prompt entry of an Order confirming that no stay is in effect and for such further relief as is just and proper.

/S/David G. Wasinger

David G. Wasinger, MoBar #38253
James S. Cole, MoBar #26787
THE WASINGER LAW GROUP, P.C.
Magna Place, Suite 875
1401 South Brentwood Boulevard
St. Louis, Missouri 63144
(314) 961-0400
(314) 961-2726 FAX
dwasinger@wasingerlawgroup.com
Attorneys for Vanderbilt Mortgage and
Finance, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served electronically upon the U.S. Trustee, according to the Court's electronic notice procedures, and that a further copy was mailed by U.S. Mail, postage prepaid, this 1st day of May, 2014, to:

Justin Wiley Coke, Attorney for Debtors
Coke Law Firm
3610 Buttonwood Drive, Suite 200
Columbia, Missouri 65201

John V. LaBarge, Jr., Trustee
P.O. Box 430908
St. Louis, Missouri 63143

James Milton Wilson and
Stephanie Marie Wilson
306 Dickens Street
Renick, Missouri 65278

/S/David G. Wasinger

IN THE UNITED STATES BANKRUPTCY COURT FOR
THE EASTERN DISTRICT OF MISSOURI

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JAMES MILTON WILSON and)	
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Debtors.)	
)	
VANDERBILT MORTGAGE AND)	
FINANCE, INC.,)	
)	
Movant.)	

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion For Relief From Automatic Stay filed by Vanderbilt Mortgage and Finance, Inc. have been sent to the Trustee and Debtor's counsel and are available to other parties upon request:

1. Manufactured Home Retail Installment Contract and Security Agreement dated October 14, 1996;
2. Certificate of Title on a 1997 Clayton Mobile/Manufactured Home showing lien perfection of Vanderbilt Mortgage and Finance, Inc.;
3. Power of Attorney authorizing Vanderbilt to service this account;
4. Docket sheet, case no. 12-21321-drd13, Western District of Missouri; and
5. Docket sheet, case no. 13-20340-705, Eastern District of Missouri.

6. PACER search results for debtors' filings.

/s/David G. Wasinger

David G. Wasinger, MoBar #38253

James S. Cole, MoBar #26787

Attorneys for Vanderbilt Mortgage and Finance, Inc.

Copy of the above served this * day of May, 2014, on:

Justin Wiley Coke, Attorney for Debtors

John V. LaBarge, Jr., Trustee

Office of the U.S. Trustee

James Milton Wilson and Stephanie Marie Wilson